Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. APPLICANT/CONTACT NAME AND ADDRESS:

E. Dean Milligan & Nancy L. Robertson
5907 Kootenai River Rd
Libby, MT 59923

2. TYPE OF ACTION:

Surface Water Application for Beneficial Water Use Permit No. 76D 30158132

3. WATER SOURCE NAME:

Kootenai River

4. LOCATION AFFECTED BY PROJECT:

SENWNW Section 24, Township 31N, Range 32W, Lincoln County, Montana.

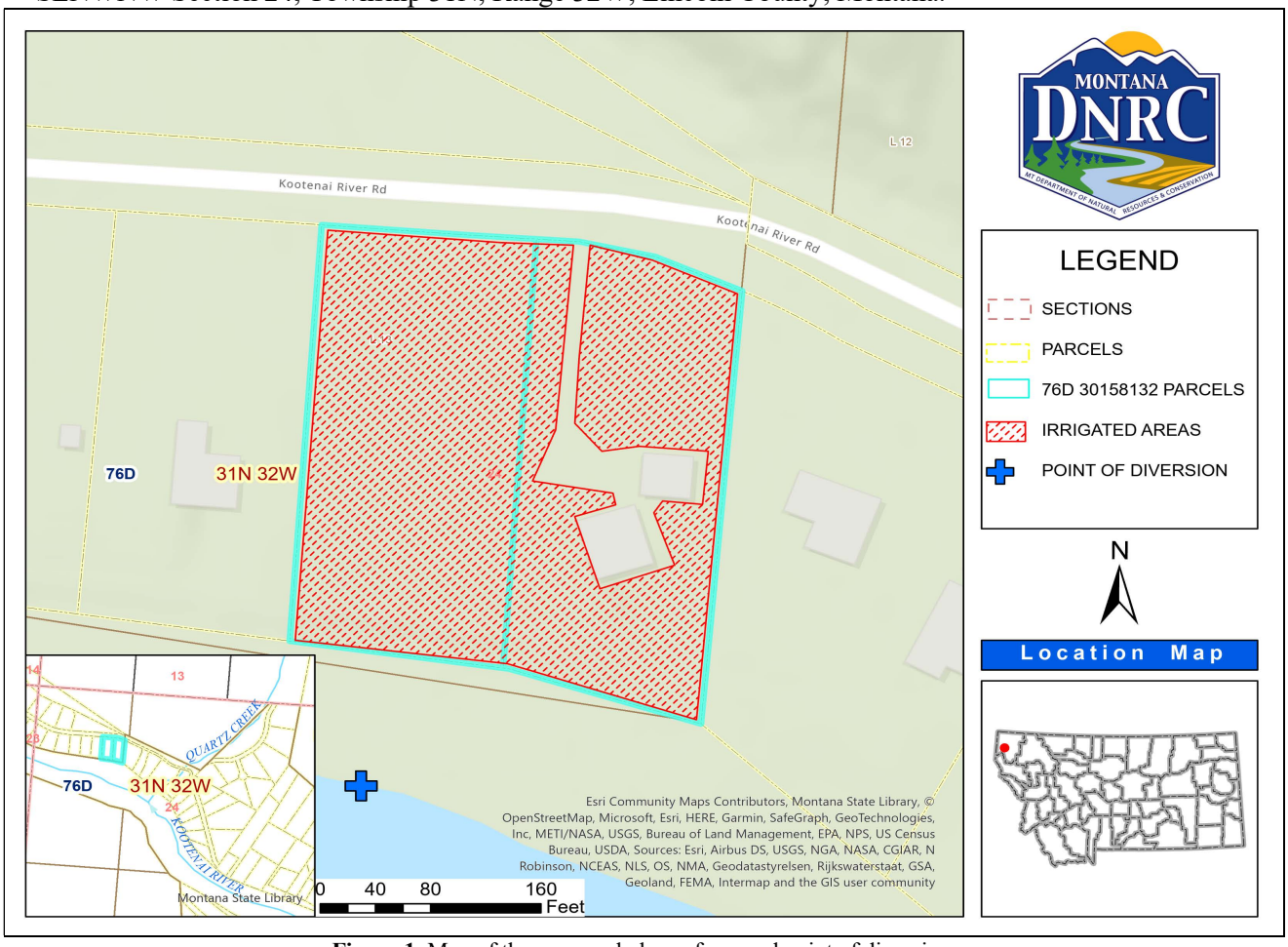

Figure 1. Map of the proposed place of use and point of diversion.

5. NARRATIVE SUMMARY OF THE PROPSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:

This application is to obtain a water use permit for a pump located in the Kootenai River. The Applicant proposes to divert water at a rate of 101 gallons per minute (GPM) up to 4.9 acre-feet (AF) per year. The proposed appropriation is for 1.96 acres of lawn and garden irrigation from May 25 – September 30. The point of diversion and place of use is in Government Lot 13, SENWNW of Section 24, Township 31N, Range 32W, Lincoln County, Montana (Figure 1) in the Kootenai River Basin (76D). Further described as Lot 40A and 41A of Big Horn Terrace Subdivision.

The DNRC shall issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- U.S. National Park Service (NPS) Water Rights Branch

Part II. Environmental Review

1. ENVIRONMENTAL IMPACT CHECKLIST:

PHYSICAL ENVIRONMENT

1.1 WATER QUANTITY, QUALITY AND DISTRIBUTION

Water Quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant proposes to divert water from the Kootenai River, which is identified by the DFWP as a chronically dewatered stream from the Libby Dam to the Montana/Idaho border. Kootenai River is listed chronically dewatered due to dam regulation. The Department of Natural Resources and Conservation (DNRC) has calculated over 500,000 AF of physically available water in the Kootenai River at the proposed point of diversion during the period of diversion for this application. Minimal impacts are expected as a result of this project.

Determination: No significant impact.

Water Quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

According to the MDEQ CWAIC 2020 Water Quality Information, Kootenai River is listed as "Not Fully Supporting" of aquatic life due to Temperature (impacts from hydro structure flow regulation/modification) and Flow Regime Modification (dam or impoundment). Kootenai River is rated as Category 5, where one or more applicable uses have been assessed as being impaired or threatened. Agriculture uses are fully supported therefore no significant impact is expected as a result of this project.

Determination: No significant impact.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N/A, project does not involve groundwater.

1.2 DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Applicant will divert water from Kootenai River at a maximum rate of 101 GPM using a NorthStar M10647041.1 pump and a Honda 166 CC (GX160) motor. The pump will draw water through approximately 25 feet of 2-inch suction pipe using a brass foot valve. The pump has 2-inch ports; Lay Flat PVC 2-inch hoses will connect the pump to the sprinklers. The sprinklers are SIME Skipper 1.5-inch turbines. There will be three fixed sprinkler stations and two portable stations that will be connected to the main line running from the pump to the three fixed stations. Fixed Stations 1, 2, and 3 are 150-, 270-, and 390-feet from the pump, respectively. Pressure gauges will monitor the PSI at each fixed sprinkler station. No impacts are expected from the construction or operation of this system.

Determination: No significant impact.

1.3 UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and Threatened Species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" in Section 01, Township 26N, Range 20W that could be impacted by the proposed project. Twenty-eight plant and animal species of concern (Table 1) were identified within the area specified above. Of these species, the Bull Trout *(Salvelinus confluentus)* and Grizzly Bear *(Ursus arctos)* are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. The property is situated between existing developed lots; any impacts to sensitive species have most likely already occurred and further significant impacts are not anticipated.

Table 1. Species of Concern in Section 01, Township 26N, Range 20W.

Common Name	Scientific Name	U.S. FWS – Status of a taxon under the federal Endangered Species Act of 1973
Brown Creeper	Certhia americana	MBTA
Bull Trout	Salvelinus confluentus	LT; CH
Cassin's Finch	Haemorhous cassinii	MBTA; BCC10
Clark's Nutcracker	Nucifraga columbiana	MBTA
Coeur d'Alene Salamander	Plethodon idahoensis	
Columbia River Redband Trout	Oncorhynchus mykiss gairdneri	
Evening Grosbeak	Coccothraustes vespertinus	MBTA; BCC10
Fisher	Pekania pennanti	
Flammulated Owl	Psiloscops flammeolus	MBTA; BCC10
Geyer's Biscuitroot	Lomatium geyeri	
Giant Golden Moss	Homalothecium megaptilum	
Golden Eagle	Aquila chrysaetos	BGEPA; MBTA
Great Blue Heron	Ardea herodias	MBTA
Great Gray Owl	Strix nebulosa	MBTA
Grizzly Bear	Ursus arctos	LT
Harlequin Duck	Histrionicus histrionicus	MBTA
Hoary Bat	Lasiurus cinereus	
Magnum Mantleslug	Magnipelta mycophaga	
Pileated Woodpecker	Dryocopus pileatus	MBTA
Sheathed Slug	Zacoleus idahoensis	
Shiny Tightcoil	Pristiloma wascoense	
Smoky Taildropper	Prophysaon humile	
Striate Disc	Discus shimekii	
Torrent Sculpin	Cottus rhotheus	

Western Skink	Plestiodon skiltonianus	
Westslope Cutthroat Trout	Oncorhynchus clarkii lewisi	
Wolverine	Gulo gulo	
Yuma Myotis	Myotis yumanensis	

Determination: No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A, project does not involve wetlands.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A, project does not involve ponds.

1.4 GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

It is not anticipated that the proposed domestic use will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are *Andic Dystrochrepts, alluvial terraces* formed from mixed sandy and gravelly alluvium parent material and *Andic Dystrochrepts-Rock outcrop complex, glaciated mountain slopes* formed from loamy till over dense basal till parent material. Both soils are defined in hydrologic soil Group B, having moderately low runoff potential when thoroughly saturated. Soils within the place of use are not likely susceptible to saline seep.

Determination: No significant impact.

1.5 VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

It is not anticipated that issuance of a water use permit will significantly impact existing native vegetation or contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

Determination: No significant impact.

1.6 AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of groundwater.

Determination: No significant impact.

1.7 HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project not located on State or Federal Lands.

1.8 DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

1.9 LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

1.10 ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

1.11 HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

1.12 PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

No government regulatory impacts on private property rights.

Determination: No impact.

1.13 OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(*b)* *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d)* *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. SECONDARY AND CUMULATIVE IMPACTS ON THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION:

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. DESCRIBE ANY MITIGATION/STIPULATION MEASURES:

None.

4. DESCRIPTION AND ANALYSIS OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION, INCLUDING THE NO ACTION ALTERNATIVE, IF AN ALTERNATIVE IS REASONABLY AVAILABLE AND PRUDENT TO CONSIDER:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of groundwater at this location.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significance criteria evaluated in this EA, is an EIS required? **___Yes _X_No**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:

Name: Alexis Alderman
Title: Water Resource Specialist
Date: 09 June 2023